

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JODI ROUVIERE, Individually and
ANDRE ROUVIERE, her husband, Individually,

Plaintiff,

v.

DEPUY ORTHOPAEDICS, INC. n/k/a
MEDICAL DEVICE BUSINESS SERVICES,
INC., and HOWMEDICA OSTEONICS
CORPORATION d/b/a STRYKER
ORTHOPAEDICS,

Defendants.

Case No.: 1:18-cv-04814-LJL-SDA

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**DEFENDANT HOWMEDICA
OSTEONICS CORP.'S NOTICE OF
MOTION FOR SUMMARY
JUDGMENT BASED ON STATUTE OF
LIMITATIONS**

PLEASE TAKE NOTICE, that on March 18, 2022, pursuant to Federal Rule of Civil Procedure 56, Defendant Howmedica Osteonics Corp. ("HOC"), respectfully moves the Court for summary judgment on all of Plaintiffs Jodi Rouviere and Andre Rouviere's claims against HOC. As set forth in HOC's contemporaneously filed Brief in Support of its Motion for Summary Judgment, HOC is entitled to judgment as a matter of law because there are no material facts in genuine dispute on any of Plaintiffs' claims against HOC, all of which are time-barred. Pursuant to Local Rule 56.1(a), HOC submits with this motion a separate, short and concise Statement of Undisputed Material Facts, as well as a Declaration of Paul E. Asfendis attaching exhibits. Pursuant to Judge Lewis J. Liman's Individual Rules of Practice, counsel have met and conferred and HOC also submits a Joint Statement of Undisputed Material Facts containing those facts which both parties agree are accurate.

Accordingly, HOC respectfully requests that the Court grant its Motion for Summary Judgment and enter final judgment dismissing all of Plaintiffs' claims against HOC in their entirety with prejudice.

Dated: New York, New York
March 18, 2022

Respectfully Submitted,

GIBBONS P.C.

By: /s/Paul E. Asfendis

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Attorneys for Defendant

Howmedica Osteonics Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was electronically served on the following counsel of record via the Court's electronic filing system on this 18th day of March, 2022:

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/s/ Paul E. Asfendis

Paul E. Asfendis